(1) (2) (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

SECOND APPEAL NO. 209 /2005. **SINGLE BENCH**

APPELLANT.
(Plaintiff)

M.A. Faheem S/o Late Shri M.A. Aleem, aged about 46 years, Occupation Jurnlist, resident of Salhevapara Dhamatari Tahsil & Dist. Dhamatari (C.G.).

P.R. No. 1006/05 Presented by Shri R.S. Bansal dated 11/8/05

VERSUS

RESPONDENT
(Defendant)

Smt. Keja Bai Wd/o Late shri PrabhuRam Sahu, aged about 54 years, occupation shopkeeper, Resident of Sihawa Chawk Dhamatari, Tah.& Dist.Dhamatari(C.G.)

SECOND APPEAL U/ S 100 OF CIVIL PROCUDURE CODE.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(23)

आदेश पत्रक

मामला क्रमांक S.A.No.209/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

17-6-2005

Mr. R.S.Patel, counsel for the appellant.

Heard on admission and M.(C.)P.No.634/2005 and also perused the records of the lower Court and first appellate Court.

A suit for eviction and arrears of rent was filed by the appellant against the respondent on the ground that the appellant had constructed a shop over 105 sq.ft. of land bearing Khasra No.254/2 situated in northern side of Sihava Bypass Road, Dhamtari and rented the same to the respondent in the year 1987 at the rate of Rs.20/- per month. The respondent stopped paying rent from 1-9-1988, therefore, a registered notice was served on her for recovery of rent and eviction of the suit shop on *bona fide* requirement. Neither the arrears of rent were paid nor the suit shop was vacated. The respondent denied the claim, and averred that, the land, over which the shop is situated, belongs to Government, and in revenue record, the same has been recorded in the name of Public Works Department. It has been further averred by the respondent that, she has constructed the said shop and is running her business therein, and Dhamtari Municipality has also recorded her name and assessed to tax. Earlier, in Civil Suit No.7A/65, vide judgment dated 30-4-1966, the land, bearing Khasra No.254 part 0.22 acres, was declared in favour of the

XI-HC-22

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक S.A.No.209/05 सन् 200

—2—

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	appellant, but the whole area of the land has been sold by the appellant to various persons during the years 1968 to 1978. Learned lower Court, after due appreciation of the whole evidence, held that, the appellant is not the owner of the disputed property and the respondent is not his tenant. Learned first appellate Court, after due appreciation of all the materials and evidence on record, vide judgment dated 27-8-2004, delivered in Civil Appeal No.3A/04, held that, the appellant is not the landlord/owner of the suit property and the respondent is not his tenant, and also held that, *bona fide* requirement has not been proved in the case. Both the Courts below have given concurrent finding of fact, and from perusal of the records, materials and evidence, I am of the opinion that, this appeal does not involve any question of law. The appeal is liable to be dismissed as no substantial question of law involves in it. Accordingly, it is dismissed *in limine*. In the light of above order, M.(C.)P.No.634/2005 for stay and I.A.No.1159/2005 for urgent hearing stand disposed of. **Sd/-** **V.K.Shrivastava** **Judge**	

G.Singh

(पीछे देखिये)